



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 10 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John R. Tankovich, President
Diamond Hard Chrome Co., Inc.
6110 Grand Avenue
Cleveland, Ohio 44104

Re: Finding of Violation
Diamond Hard Chrome Co., Inc.
Cleveland, Ohio

Dear Mr. Tankovich:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Diamond Hard Chrome Co., Inc. (you). We find that you are violating Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412, at your Cleveland, Ohio facility.

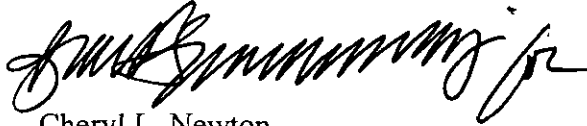
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial, civil, or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Erik Hardin. You may call him at 312.886.2402 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton", with a stylized flourish at the end.

Cheryl L. Newton
Director
Air and Radiation Division

Enclosure:

cc: George Baker, Chief of Enforcement
Cleveland Department of Air Quality

4. The Chrome NESHAP, at 40 C.F.R. § 63.343(b)(1), requires the owner or operator of a hard chromium electroplating tank to conduct an initial performance test as required under 40 C.F.R. §§ 63.7 and 63.344.

5. The NESHAP General Provisions, at 40 C.F.R. § 63.7(e)(1), requires that performance tests be conducted under such conditions as the Administrator specifies based on representative performance.

6. The Chrome NESHAP, at 40 C.F.R. § 63.343(c)(3), requires the owner or operator of a hard chromium electroplating tank that uses a packed bed scrubber system in conjunction with a composite mesh pad system to meet the emission limitation in 40 C.F.R. § 63.342 to comply with the monitoring requirements for composite mesh-pad systems as identified in 40 C.F.R. § 63.343(c)(1).

7. The Chrome NESHAP, at 40 C.F.R. § 63.343(c)(1)(i), requires the owner or operator of an affected source to establish as a site specific operating parameter the average pressure drop across the control system measured during a compliant performance test.

8. The Chrome NESHAP, at 40 C.F.R. § 63.343(c)(1)(ii), requires the owner or operator of an affected source to monitor and record the pressure drop across the entire control system once each day that the source is operating.

9. The Chrome NESHAP, at 40 C.F.R. § 63.343(c)(1)(ii), requires the owner or operator of an affected source to maintain the pressure drop across the control system within plus or minus two inches of water column of the average pressure drop measured during a compliant performance test in order to be in compliance with the standards in the Chrome NESHAP.

10. The Chrome NESHAP, at 40 C.F.R. § 63.346(b)(8), requires the owner or operator of an affected source to maintain records of all monitoring data required by 40 C.F.R. § 63.343(c) that are used to demonstrate compliance with the Chrome NESHAP including the date and time the data are collected.

11. The Chrome NESHAP, at 40 C.F.R. § 63.347(c)(1), requires the owner or operator of an affected source that has an initial startup before January 25, 1995, to notify EPA in writing that the source is subject to the Chrome NESHAP within 180 days after January 25, 1995.

12. The Chrome NESHAP, at 40 C.F.R. § 63.347(e)(3), requires the owner or operator of an affected source for which a performance test is required by 40 C.F.R. § 63.343(b) to submit a notification of compliance status report within 90 calendar days after completion of a performance test conducted in accordance with 40 C.F.R. §§ 63.7 and 63.344.

13. The Chrome NESHAP, at 40 C.F.R. § 63.347(e)(2)(iv), requires that the notification of compliance status report include each specific operating parameter value, or range of values, required by 40 C.F.R. § 63.343(c), that correspond to compliance with the applicable emission limit.

Diamond's Facility

14. Diamond owns and operates a hard chromium electroplating facility at 6110 Grand Avenue in Cleveland, Ohio (Diamond's facility). As such, Diamond's Facility is subject to the Chrome NESHAP.

15. Diamond owns and operates seven hard chromium electroplating tanks at its facility. Each of these tanks is an affected source under the Chrome NESHAP.

16. The maximum cumulative potential rectifier capacity at Diamond's facility is greater than 60 million amp-hr/yr. As such, Diamond's facility is not a small, hard chromium electroplating facility, and the Chrome NESHAP, at 40 C.F.R. § 63.342(c)(1)(i), limits the chromium emissions from each hard chromium electroplating tank at Diamond's facility to 0.015 mg/DSCM.

17. Diamond is required by the Chrome NESHAP, at 40 C.F.R. § 63.343(b)(1) and the NESHAP General Provisions at 40 C.F.R. § 63.7(a)(2), to conduct an initial performance test within 180 days of January 25, 1997.

18. Diamond is required by the NESHAP General Provisions, at 40 C.F.R. § 63.7(e)(1), to conduct these initial performance tests under representative conditions.

19. Diamond uses packed bed scrubbers in conjunction with a composite mesh pad systems to control emissions from its hard chromium electroplating tanks. As such, Diamond is required by the Chrome NESHAP, at 40 C.F.R. §§ 63.343(c)(1)(i), 63.343(c)(1)(ii), 63.343(c)(3), and 40 C.F.R. § 63.346(b)(8), to establish as a compliant operating parameter the average pressure drop across each control system measured during a compliant performance test, to maintain, during all times the respective affected source is in operation, the pressure drop across the control system within plus or minus two inches of water column of the average value measured during a compliant performance test, to monitor the pressure drop across each control system once each day the respective affected source is in operation, and to maintain records of the pressure drop measured across each control system.

20. Diamond's facility had an initial startup before January 25, 1995. As such, Diamond was required by the Chrome NESHAP, at 40 C.F.R. § 63.347(c)(1), to notify EPA in writing that the facility is subject to the Chrome NESHAP within 180 days after January 25, 1995.

21. Diamond is required by the Chrome NESHAP, at 40 C.F.R. § 63.347(e)(3), to submit a notification of compliance status report within 90 calendar days after completion of a compliant performance test.

22. Diamond is required by the Chrome NESHAP, at 40 C.F.R. § 63.347(e)(2)(iv), to include in its notification of compliance status report the range of pressure drop across the entire control system that corresponds with compliance.

23. To date, Diamond has conducted four performance tests measuring the concentration of chromium in the emissions from its hard chromium electroplating tanks. The table in Appendix A to this FOV summarizes relevant information from these tests.

24. To date, the only control device operating parameter that Diamond has been monitoring and keeping records of is the pressure drop across its packed bed scrubbers.

25. Diamond first submitted its initial notification report and an annual compliance report that Diamond claimed was a notification of compliance status report to EPA on April 13, 2011.

26. In its notification of compliance status report, Diamond indicated that the only operating parameters for its control equipment that the Chrome NESHAP requires as a means of demonstrating continuing compliance with the emission limit are the pressure drops across the packed bed scrubber systems.

Violations

27. The results of the June 18, 1997, performance test listed in Appendix A and conducted by Diamond on Tanks 1, 2, and 3, indicate that the chromium concentration in the emissions from the tanks are merely six percent below the applicable emission limit in the Chrome NESHAP. During this test, Diamond operated two of the tanks well below their rated capacities. EPA finds that this test does not meet the requirements in 40 C.F.R. § 63.7(e)(1) and is not a valid performance test. Furthermore, EPA finds that Diamond is in violation of the requirement to conduct an initial performance test in the NESHAP General Provisions, at 40 C.F.R. § 63.7(a)(2), and will continue to be until it conducts a valid initial performance test for these affected sources.

28. The results of the December 23, 1997, performance test listed in Appendix A and conducted by Diamond on Tanks 4, 5, and 6 indicate that the chromium concentration in the emissions from these tanks is 0.0159 mg/dscm. Although the test was conducted while the tanks were operated well below their listed capacities, the measured concentration of chromium in the emissions is still in excess of the applicable emission limit in the Chrome NESHAP. The only additional test conducted by Diamond on these tanks, the April 21, 1998, test listed in Appendix A, was completed while the tanks were operated at even lower rates. Therefore, EPA finds that Diamond is in continuing violation of the applicable 0.015 mg/DSCM emission limit in the Chrome NESHAP at 40 C.F.R. § 63.342(c)(1)(i).

29. Because neither of the tests conducted by Diamond on Tanks 4, 5, and 6 meet the requirements in the NESHAP General Provisions, at 40 C.F.R. § 63.7(e)(1), EPA also finds that Diamond is in violation of the requirement to conduct an initial performance test in the NESHAP General Provisions, at 40 C.F.R. § 63.7(a)(2), and will continue to be until it conducts a valid initial performance test for these affected sources.

30. The November 10, 1999, performance test listed in Appendix A was conducted by Diamond on Tank 7 while the tank was operating at well below its rated capacity. Therefore, EPA finds that the test was not conducted in accordance with the requirements in 40 C.F.R. § 63.7(e)(1) and is not a valid indication of compliance with the applicable emission limit in the Chrome NESHAP. Furthermore, EPA finds that Diamond will continue to violate the requirement to conduct an initial performance test in the NESHAP General Provisions, at 40 C.F.R. § 63.7(a)(2), until it conducts a valid initial performance test for this affected source.

31. During the April 21, 1998, and the November 10, 1999, performance tests listed in Appendix A, Diamond failed to monitor the pressure drop across the entire control system

during both of these tests. Furthermore, because none of the testing was conducted in compliance with the requirements in the NESHAP General Provisions, at 40 C.F.R. § 63.7(e)(1), Diamond has yet to establish the average pressure drop across the entire control system associated with each tank during a valid, compliant performance test. Therefore, EPA finds that Diamond is in violation of 40 C.F.R. § 63.343(c)(1)(i) and will continue to be in violation of this standard until the average operating rate of the appropriate operating parameters have been measured during a valid, compliant performance test for each tank.

32. Because Diamond has continued to fail to monitor and record the pressure drop across the entire control system once each day any of its affected sources are in operation, EPA finds that Diamond is in continuing violation of 40 C.F.R. § 63.343(c)(1)(ii).

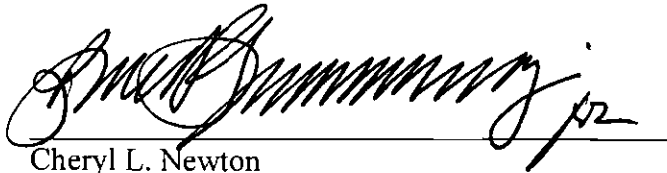
33. Because Diamond has continued to fail to keep records of the pressure drop across the entire control system, EPA finds that Diamond is in continuing violation of 40 C.F.R. § 63.346(b)(8).

34. EPA finds that Diamond's failure to submit an initial notification report under the Chrome NESHAP within 180 days after January 25, 1995, is a violation of 40 C.F.R. § 63.347(c)(1).

35. EPA finds that Diamond's failure to submit a notification of compliance status report under the Chrome NESHAP within 90 calendar days after completion of a performance test conducted in accordance with 40 C.F.R. §§ 63.7 and 63.344 is a violation of 40 C.F.R. § 63.347(e)(3).

36. EPA finds that Diamond's failure to include, in its notification of compliance status report, the pressure drop range across the entire control system that corresponds to compliance with the emission limit is a violation of 40 C.F.R. § 63.347(e)(2)(iv), and that this violation will continue until a compliant notification of compliance status report is submitted.

6/10/11
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING


I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-11-OH-13, by
Certified Mail, Return Receipt Requested, to:

John R. Tankovich, President
Diamond Hard Chrome Co., Inc.
6110 Grand Avenue
Cleveland, Ohio 44104

I also certify that I sent copies of the Finding of Violation by first-class mail to:

George Baker, Chief of Enforcement
Cleveland Department of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114

On the 13th day of June 2011


Betty Williams
Administrative Program Assistant
Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7009168000007666 6138



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners



U.S. EPA SMALL BUSINESS RESOURCES

Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center

(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act

(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.

(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers

(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.

(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse

(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline

(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information

(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.

(1-202-554-1404)

Wetlands Helpline

(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman

(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage

(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy

(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy

(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.